

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
KRISTIN A. CARMODY, M.D., M.H.P.E. :
Plaintiff, :
-against- :
NEW YORK UNIVERSITY; NYU GROSSMAN :
SCHOOL OF MEDICINE; NYU LANGONE :
HOSPITALS; ROBERT I. GROSSMAN, M.D.; :
FRITZ FRANCOIS, M.D.; STEVEN B. :
ABRAMSON, M.D.; ANDREW BROTMAN, :
M.D.; and ROBERT J. FEMIA, M.D., :
Defendants. :
-----x

21-CV-08186 (LGS-VF)

**SUPPLEMENTAL DECLARATION
OF EDWARD CERASIA II, ESQ.**

I, EDWARD CERASIA II, ESQ., declare under the penalty of perjury:

1. I am a member of the law firm Cerasia Law LLC, attorneys for the Defendants in the above-captioned action. I submit this Supplemental Declaration, which is based on personal knowledge, in further support of the Defendants' motion for summary judgment.
2. On March 31, 2022, Defendants' served their responses and objections to plaintiff's interrogatories. Response to Interrogatory No. 10 stated as follows: "Dr. Femia, Dr. Francois, Nancy Sanchez, Maxine Simon and Lynn Lowy, Esq. participated in a meeting about the decision to offer Dr. Carmody the option to resign in lieu of the termination of her employment." Defendants also identified Ms. Sanchez and Ms. Simon as witnesses in their Rule 26 Initial Disclosures, served on December 8, 2021.
3. I was counsel of record for the defendants in the case of *O'Neill v. NYU*, 97 A.D.3d 199 (1st Dep't 2012). The version of the Code of Conduct at issue in that case did not have the disclaimer language that is in the edition of the Code of Conduct that was attached as **Exhibit F**

to my original Declaration, which was the edition from 2020, when Dr. Kristin Carmody was employed at NYU. The bottom left of **Exhibit F** shows the “2020” date. Shortly after the First Department issued the *O’Neill* decision, I worked with NYU to draft and include the disclaimer language in the Code of Conduct that appears in **Exhibit F** and appeared in prior year editions, as well.

4. Appended to this Declaration as **Exhibit J** is a true and correct copy of Dr. Carmody’s September 30, 2020 email to the Vice Chairs in the Department of Emergency Medicine, Dr. Robert Femia and Nicholas Dibble, in which she “Agrees with everything” in connection with extending offers of employment to two residents.

I declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury, that the foregoing is true and correct.

Executed on December 20, 2022

A handwritten signature in blue ink that reads "Edward Cerasia II". The signature is fluid and cursive, with "Edward" on the top line and "Cerasia II" on the bottom line.

Edward Cerasia II

EXHIBIT J

Message

From: Carmody, Kristin [Kristin.Carmody@nyulangone.org]
Sent: 9/30/2020 8:52:42 AM
To: Jamin, Catherine [Catherine.Jamin@nyulangone.org]; Dibble, Nicholas [Nicholas.Dibble@nyulangone.org]; Femia, Robert [Robert.Femia@nyulangone.org]; Goldberg, William L. [William.Goldberg@nyulangone.org]; Caspers, Christopher [Christopher.Caspers@nyulangone.org]; Grudzen, Corita [Corita.Grudzen@nyulangone.org]
Subject: Re: Making offers today

Agree with everything.

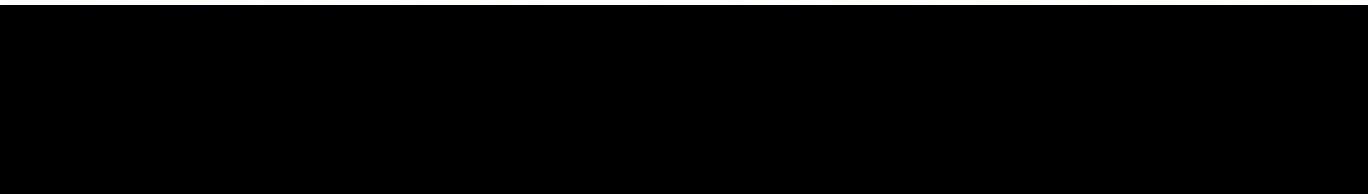
Kristin Carmody, MD, MHPE
Vice Chair for Academic Affairs and Education Innovation
Co-Director, Emergency Ultrasound
Ronald O. Perelman Department of Emergency Medicine
Associate Professor, NYU School of Medicine
phone: 646.501.4227
email: kristin.carmody@nyumc.org

From: Jamin, Catherine
Sent: Wednesday, September 30, 2020 8:46:33 AM
To: Dibble, Nicholas; Femia, Robert; Goldberg, William L.; Carmody, Kristin; Caspers, Christopher; Grudzen, Corita
Subject: Making offers today

Good morning,

I want to touch base regarding offers. Rob is verifying with Nick to give the go ahead. Below is our plan with the goal to make offers today. Please reply to all with any concerns or questions.

1. Dr. [REDACTED] - \$ [REDACTED] 28 hours, role in Telehealth quality and operations
2. Dr. [REDACTED] - \$ [REDACTED], 28 hours, role in US quality, operations, education



Catherine Jamin, MD
Vice Chair of Operations
Chief of Service, Perelman Center for Emergency Services
Director of Emergency Critical Care
Ronald O. Perelman Department of Emergency Medicine
NYU Langone Health